

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN MCNAIR.

Petitioner,

V.

ISIDRO BACA, et al.,

Respondents.

Case No. 3:18-cv-00308-HDM-CBC

ORDER

Petitioner has paid the filing fee. He has also submitted a motion for appointment of counsel (ECF No. 4). Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

IT THEREFORE IS ORDERED that the clerk of the court file the petition for a writ of habeas corpus.

IT FURTHER IS ORDERED that petitioner's motion for appointment of counsel (ECF No. 4) is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

IT FURTHER IS ORDERED that the Federal Public Defender will have thirty (30) days from the date that this order is entered to undertake direct representation of petitioner or to indicate to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender does undertake representation of petitioner, then he will have sixty (60) days to

1 file an amended petition for a writ of habeas corpus. If the Federal Public Defender is unable to
2 represent petitioner, then the court will appoint alternate counsel.

3 IT FURTHER IS ORDERED that neither the foregoing deadline nor any extension
4 thereof signifies or will signify any implied finding of a basis for tolling during the time period
5 established. Petitioner at all times remains responsible for calculating the running of the federal
6 limitation period under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

7 IT FURTHER IS ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General
8 for the State of Nevada, as counsel for respondents.

9 IT FURTHER IS ORDERED that the clerk shall electronically serve both the Attorney
10 General of the State of Nevada and the Federal Public Defender a copy of the petition and a copy
11 of this order.

12 IT FURTHER IS ORDERED that respondents' counsel shall enter a notice of appearance
13 within twenty (20) days of entry of this order, but no further response shall be required from
14 respondents until further order of the court.

15 IT FURTHER IS ORDERED that, notwithstanding Local Rule LR IC 2-2(g) paper copies
16 of any electronically filed exhibits need not be provided to chambers or to the staff attorney,
17 unless later directed by the Court.

18 DATED: November 13, 2018.


Howard D. McKibben

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20 HOWARD D. MCKIBBEN
United States District Judge
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